

UNITED STATES DISTRICT COURT

DISTRICT OF NEW HAMPSHIRE

Karen S. Bartlett, et al.

v.

Civil No. 08-cv-00358-JL

Mutual Pharmaceutical
Company, Inc., et al.

O R D E R

Defendants having moved the court for an Order to Show Cause as to why plaintiffs' experts should not be stricken; and the court having considered said motion and the parties' positions set forth during an October 9, 2009, telephonic hearing, and being otherwise sufficiently advised; the court hereby enters this amended scheduling order, as proposed by the parties:

- Fact Discovery Completion: **November 15, 2009**
- Defendant's Expert Reports: **October 22, 2009**
- Plaintiffs' Expert Depositions Complete: **November 18, 2009**
- "DiBenedetto" Disclosure: **November 18, 2009**
- Defendants' Expert Report Supplementation: **January 5, 2010**
- Defendants' Expert Depositions Completed: **January 15, 2010**
- Expert Discovery Completion: **January 15, 2010**

- Completion of All Discovery: **January 15, 2010**
- Challenges to Expert Testimony: **January 25, 2010**
- Summary Judgment: **February 1, 2010**
- Motions in Limine: **20 days prior to Final Pretrial Conference.**
Response/Objections due 10 days prior to Final Pretrial Conference.

Discovery disputes. As is the court's practice, discovery disputes will continue to be handled by the undersigned judge, as opposed to the Magistrate Judge, in the normal course. Motions to compel are disfavored. The party or counsel seeking discovery-related relief should confer with adverse counsel to choose mutually available dates, and then contact the Deputy Clerk to schedule a conference call with the court. The court will inform counsel and parties what written materials, if any, should be submitted in advance of the conference call.

Customary motions to compel discovery, while disfavored by the undersigned judge, are nonetheless permissible. If counsel prefer traditional discovery litigation to the conference call procedure set forth above, any such motion to compel should expressly request, in the title of the motion, a referral to the United States Magistrate Judge. Such referral requests will normally be granted.

SO ORDERED.



Joseph N. Lapiante
United States District Judge

Dated: October 23, 2009

cc: Bryan Ballew, Esq.
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